

UNITED STATES DISTRICT COURT  
DISTRICT OF RHODE ISLAND

GAIL CORVELLO, et al.,	)	
Plaintiffs,	)	C.A. No. 05-0221S
v.	)	(Related Case Nos.: 05-522S,
	)	05-274S, 05-370S)
NEW ENGLAND GAS COMPANY	)	
SOUTHERN UNION COMPANY	)	
Defendants and	)	
Third-Party Plaintiffs,	)	
v.	)	
BRIDGESTONE FIRESTONE NORTH	)	
AMERICAN TIRE, LLC; BRIDGESTONE	)	
AMERICAS HOLDINGS, INC.; and	)	
HONEYWELL INTERNATIONAL, INC.;	)	
Third-Party Defendants.	)	

**JOINT MOTION OF NEW ENGLAND GAS COMPANY/SOUTHERN UNION  
COMPANY AND BRIDGESTONE AMERICAS HOLDINGS, INC. TO DISMISS  
CERTAIN THIRD PARTY COMPLAINTS**

Third-Party Plaintiff, New England Gas Company/Southern Union Company (“NEGasCo”), and Third-Party Defendant, Bridgestone Americas Holdings, Inc., now known as Bridgestone Americas, Inc. (“Bridgestone Americas”), jointly move, in all four-above-referenced cases, under Rule 41(a)(2) of the Federal Rules of Civil Procedure, to dismiss without prejudice, without costs, and without attorneys’ fees NEGasCo’s third-party complaints against Bridgestone Americas. In support of this motion, NEGasCo and Bridgestone Americas rely on the memorandum of law submitted herewith.

Respectfully submitted,

SOUTHERN UNION GAS COMPANY AND  
NEW ENGLAND GAS COMPANY

By their attorneys,

/s/ Robin L. Main

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BRIDGESTONE AMERICAS HOLDINGS,  
INC.

By their attorneys,

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Dated: February 17, 2012

**CERTIFICATE OF SERVICE**

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I hereby certify that on the 17th day of February, 2012, a copy of the foregoing was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the court's electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

/s/ Robin L. Main

50518050 (14015-126110)

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Plaintiffs,	)	(Related Case Nos.: 05-522S,
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NEW ENGLAND GAS COMPANY	)	
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BRIDGESTONE FIRESTONE NORTH	)	
AMERICAN TIRE, LLC; BRIDGESTONE	)	
AMERICAS HOLDINGS, INC.; and	)	
HONEYWELL INTERNATIONAL, INC.;	)	
Third-Party Defendants.	)	

**MEMORANDUM IN SUPPORT OF JOINT MOTION OF NEW ENGLAND GAS  
COMPANY/SOUTHERN UNION COMPANY AND BRIDGESTONE AMERICAS  
HOLDINGS, INC. TO DISMISS CERTAIN THIRD PARTY COMPLAINTS**

Third-Party Plaintiff, New England Gas Company/Southern Union Company (“NEGASCO”), and Third-Party Defendant, Bridgestone Americas Holdings, Inc., now known as Bridgestone Americas, Inc. (“Bridgestone Americas”), jointly move, in all four-above-referenced cases, under Rule 41(a)(2) of the Federal Rules of Civil Procedure, to dismiss without prejudice, without costs, and without attorneys’ fees NEGASCO’s third-party complaint against Bridgestone Americas.

NEGASCO initiated its third-party complaints against Bridgestone Americas on September 17, 2007. Based on the representations made in the December 19, 2011 affidavit of Kerry S. Cantrell, Corporate Paralegal and Assistant Secretary of Bridgestone Americas, Inc., NEGASCO is dismissing without prejudice Bridgestone Americas. If, in the future, NEGASCO finds that Bridgestone Americas or its successor or assigns should be named in this case as a

third-party defendant, Bridgestone Americas, its successors and assigns agree and stipulate not to oppose a motion to add Bridgestone Americas and/or its successors and assigns based on the statute of limitations, personal jurisdiction, venue or other procedural defenses. NEGasCo agrees and stipulates that the proposed amendments are without prejudice to, and do not constitute a waiver of, the arguments advanced by third-party defendants in their Rule 12(b)(6) motion to dismiss filed September 27, 2010 and October 4, 2010.

Rule 41(a)(2) authorizes the Court to dismiss an action on motion by the plaintiff/third-party plaintiff. Courts construe Rule 41 liberally by granting motions to dismiss under Rule 41 as long as the defendant/third-party defendant being dismissed will not suffer prejudice. See Trinidad-Delgado v. SK&F Lab Co., 992 F.2d 1 (1<sup>st</sup> Cir. 1993). Here, NEGasCo and Bridgestone Americas are in agreement in urging the court to dismiss these third-party complaints.

For these reasons, the parties jointly move for an order dismissing without prejudice, without costs and without attorneys' fees NEGasCo's third-party complaints against Bridgestone Americas.

Respectfully submitted,

SOUTHERN UNION GAS COMPANY AND  
NEW ENGLAND GAS COMPANY

By their attorneys,

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/s/ Robin L. Main

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